IV. REMARKS

The new title is supplied and the abstract amended as suggested by the Examiner. Thus, they are no longer objectionable.

A proposed new drawing is enclosed herewith. The reference character "22" is used only once and descriptive labels have been added. Thus, the drawings are no longer objectionable.

The description has been amended to conform to the drawings.

Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, "mobile station" has been changed to "device" which is present in claim 1. Apparently, the Examiner means to refer to claim 7 and not claim 5. In claim 7, "station" has been deleted, thereby leaving "device", which is in claim 1.

Thus, claims 4, 5 and 7 conform to 35 U.S.C. 112, second paragraph.

The present application describes a device for allowing transaction data to be securely transferred across a network. The device connects to a second party and receives a control message from the second party. This control message contains a number of selectable security protocols, and the device can select one of these protocols. Communication can then take place securely between the device and the second party using the selected protocol.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Harris.

The Examiner has alleged that independent claims 1 and 14-16 are anticipated by Harris. The applicants submit that this is not the case. Considering claim 1, Harris does not disclose the feature of "control message signal from said second party said signal including a plurality of selectable security protocols" or that in response the device will "select on of the plurality of security protocols". The Examiner states that these features are disclosed in Harris in column 4, lines 47-56. However, this section of Harris is referring to the operation of the Digital-ID Gateway (labeled 300 in Figure 1). This is merely performing the function of a gateway as is known to the skilled man, in that it is allowing two different types of network to connect together. In particular, it is stated that the gateway "reformats the verification transaction request to the format for message transmission over a trusted back-end network". Therefore, it is not providing a plurality of selectable security protocols, but is merely reformatting a message from one form to another. Furthermore, there is no mention of any device selecting one of a plurality of security protocols. It is therefore submitted that claim 1 is clearly novel over Harris.

Independent claim 14 recites the feature of "selection means for selecting one of the plurality of security protocols and being connected to communicate said selection to said second party". The Examiner has cited the same passage of Harris against this feature as mentioned above for claim 1, and this claim can be distinguished over Harris for the same reasons as outlined previously. Independent claim 15 recites "selection means for selecting a SET security protocol and being connected to communicate said selection to said second party" and independent claim 16 recites "selection means for selecting a EMV security protocol and being connected to communicate said selection to

said second party". As stated previously, Harris does not mention any selection means for selecting a security protocol, and therefore claims 15 and 16 also distinguish over Harris.

Claims 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Wankmueller.

The Examiner has also stated that claims 14-16 are anticipated by Wankmueller. However, in common with Harris, Wankmueller does not disclose the feature of selectable security protocols. The Examiner has cited paragraph 30 of Wankmueller as being relevant to claims 14-16. Paragraph 30 discloses that "the remote wallet server continues dialog with the merchant…using a chip card protocol". This makes no mention of the protocol being selectable from any other available protocols, or that the selection is communicated to another party. Therefore, it seems clear that claims 14-16 are not anticipated by Wankmueller.

Further, since neither Harris, nor Wankmueller, have the slightest suggestion of the above-described features, claims 1-16 are unobvious over them.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of $450.00 is enclosed for a 2-month extension of time. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

(signature) Henry I. Steckler

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(stamp: OIPE JC131 / AUG 2 9 2005 / PATENT & TRADEMARK OFFICE)

(handwritten date) Aug. 25, 2005

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I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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